

ENTERED

November 04, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

CARLOS OMAR MARTINEZ RIVERA	§	
	§	
	§	
VS.	§	MISCELLANEOUS NO. M-19-1581
	§	
LORIE DAVIS, Director, Texas	§	
Department of Criminal Justice,	§	
Correctional Institutions Division	§	

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND GRANTING DISMISSAL

The Court has reviewed the magistrate judge's Report and Recommendation regarding Petitioner Carlos Omar Martinez Rivera's action pursuant to 28 U.S.C. § 2254. After having reviewed the said Report and Recommendation, and no objections having been filed by either party, the Court is of the opinion that the conclusions in said Report and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the conclusions in United States Magistrate Judge Juan F. Alanis' Report and Recommendation entered as Docket Entry No. 6 are hereby adopted by this Court.

FURTHER, the Court, having adopted the magistrate judge's conclusions, is of the opinion that Petitioner's Motion for Stay and Abeyance be **DENIED**, that Petitioner's Motion to Compel and Application to Proceed In Forma Pauperis be **DENIED** as moot, that a certificate of appealability should be **DENIED**, and that Petitioner's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 should be **DISMISSED** without prejudice.

The Clerk shall send a copy of this Order to the Petitioner and counsel for Respondent.

SO ORDERED this 4th day of November, 2019, at McAllen, Texas.

A handwritten signature in black ink that reads "Randy Crane". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "a", and the "C" is also large and loops around the "r". The "e" is written with a simple horizontal stroke.

Randy Crane
United States District Judge